

## **R7-2-409 Accessibility to Textbooks and Instructional Materials**

### **A. Definitions**

1. "Accessible electronic file" means, until a national file format is adopted by the United States department of education, a digital file in a mutually agreed on by the publisher and the local educational agency electronic file format that has been prepared using a markup language that maintains the structural integrity of the information and can be processed by conversion software. If a national file format is adopted by the United States department of education, accessible electronic file means an electronic file conforming to the specifications of the national file format adopted by the United States department of education.
2. "Available authorized entity" means an authorized entity, as defined by 17 United States Code section 121, that commonly provides alternative format school materials that are accessible by schools in this state and that has the vendor's authorization to make alternative formats. Authorized entities may include, but are not limited to, school districts and other public schools and, when established, the National Instructional Materials Access Center.
3. "Child with a disability" means a pupil who is subject to an individualized education plan pursuant to the individuals with disabilities education act of 1997 (20 United States Code sections 1400 through 1415) or a pupil with a section 504 plan, and whose individualized education plan or section 504 plan requires the use of instructional materials in a specialized format.

4. "Individualized education plan" has the same meaning prescribed in 20 United States Code sections 1401 and 1412 and section 15-761.
5. "Nonprinted instructional materials" means nonprinted textbooks and related core materials, including those that require the availability of electronic equipment in order to be used as a learning resource, that are written and published primarily for use in elementary school and secondary school instruction and that are required by a state educational agency or a local educational agency for use by pupils in the classroom. These materials shall be available to the extent technologically available and may include software programs and internet based materials.
6. "Printed instructional materials" means textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and that are required by a state educational agency or a local educational agency for use by pupils in the classroom.
7. "Section 504 plan" means a written statement developed for a pupil with a disability that includes the provision of regular or special education and related aids and services, including assistive technology, that is designed to meet individual educational needs in accordance with 34 Code of Federal Regulations part 104.
8. "Structural integrity" means the structure of all parts of the printed instructional material are kept intact to the extent feasible and as mutually agreed on by the publisher and the local educational agency. If a national

file format is adopted by the United States department of education, the national file format's technical specifications for structural integrity are required in the accessible electronic file.

9. "Vendor" means a person or entity that offers printed or nonprinted instructional materials for commercial sale to a school district and other public schools
- B. All school districts and other public schools shall purchase adopted printed and nonprinted instructional materials for which accessible electronic files are available or, in the case of nonprinted instructional materials, delivered online. Printed and nonprinted instructional materials must meet or exceed the standards for internal accessibility as set forth in section 508 of the rehabilitation act of 1973, as amended by 29 United States Code, Section 794D, and regulations implementing that act as set forth in part 1194 of title 36 of the Code for Federal Regulations.
  - C. At the time printed or nonprinted instructional materials are adopted by a school district or other public school the vendor shall submit an accessible electronic file of the adopted material to a mutually agreed upon authorized entity. The authorized entity shall convert the accessible electronic file to a usable format upon request by the school district or other public school.
  - D. The school district or other public school shall make the converted printed or nonprinted instructional material available to a student with a disability at the same time these materials are distributed to other students.
  - E. Printed and nonprinted instructional materials are exempt from this section if

providing an accessible electronic file would do any of the following:

1. Fundamentally alter the nature of the instructional activity.
  2. Result in undue financial and administrative burdens on any state agency, school district or school.
  3. Cause such resources not to meet state content standards, adoption criteria or other applicable specification.
- F. Unauthorized copying, modification and distribution of the accessible electronic files, including distribution of unencrypted or reproducible accessible electronic files to other than authorized entities is prohibited.
- G. This section applies only to newly adopted printed and nonprinted instructional materials adopted after the 2005 – 2006 school year and with an original copyright date of 2004 or later.